

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

DARRELL SEABURN McCURDY, PRO SE,	§	
TDCJ-CID No. 1787703,	§	
	§	
Plaintiff,	§	
	§	
v.	§	2:13-CV-0152
	§	
T. D. HAMMONS, KARLA D. WOOD, and	§	
TEXAS POTTER COUNTY,	§	
	§	
Defendants.	§	

ORDER OF DISMISSAL

Plaintiff DARRELL SEABURN McCURDY, acting pro se and while a prisoner incarcerated in the Texas Department of Criminal Justice, Correctional Institutions Division, has filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants employed by the Texas Department of Criminal Justice and was granted permission to proceed pursuant to Title 28, United States Code, section 1915.

On September 18, 2013, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal of the instant cause with prejudice as factually frivolous.

Plaintiff filed his Objections October 9, 2013.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the objections filed by the plaintiff. The Court is of the opinion that plaintiff's objections should be OVERRULED and

the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by plaintiff DARRELL SEABURN McCURDY is DISMISSED WITH PREJUDICE AS FACTUALLY FRIVOLOUS.

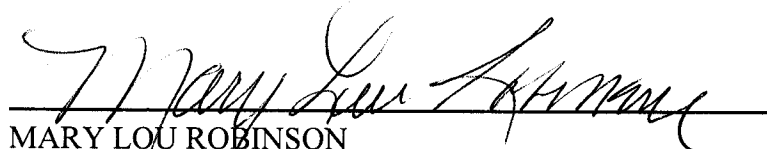
LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the 11th day of October, 2013.



MARY LOU ROBINSON
United States District Judge